

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in the Council Chamber, County Hall, Ruthin on Wednesday, 9 October 2019 at 9.30 am.

PRESENT

Councillors Ellie Chard, Ann Davies, Alan James (Vice-Chair), Brian Jones, Tina Jones, Christine Marston, Merfyn Parry, Pete Prendergast, Andrew Thomas, Tony Thomas, Julian Thompson-Hill, Joe Welch (Chair), Emrys Wynne and Mark Young

Local Members – Councillors Joan Butterfield, Bobby Feeley, Hugh Irving and Huw Hilditch-Roberts.

Observers – Councillors Bob Murray, Peter Scott, Rhys Thomas and Glenn Swingler.

ALSO PRESENT

Head of Planning and Public Protection (EJ); Team Leader – Places Team (SC); Development Manager (PM); Principal Planning Officer (IW), Senior Engineer-Development Control (MP), Traffic, Parking and Road Safety Manager (MJ), Planning Officer - Career Grade (PG) and Committee Administrator (RTJ)

1 APOLOGIES

Apologies for absence were received from Councillors Peter Evans, Melvyn Mile and Gwyneth Kensler.

2 DECLARATIONS OF INTEREST

Councillor Emrys Wynne – declared a personal interest in agenda item 5, as family lived in close proximity to the proposed application.

Councillor Tina Jones – declared a personal and prejudicial interest in agenda item 14 and 15 as she owned land within the LDP.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair allowed Councillor Peter Scott to address a concern which had arisen following an article which had been published in the Journal. The matter concerned the Gypsy and Traveller site, which stated that the matter was being discussed on the 9 October. He believed that the headline had jeopardised the decision on the Gypsy and Travellers site, as people of St. Asaph would believe that a decision was being made today and there would not be chance to send their concerns on the matter. He requested that the application be withdrawn and included within the LDP as originally planned.

4 MINUTES

The minutes of the Planning Committee held on 4 September 2019 were submitted.

Matters of Accuracy –

- Page 14 – Councillor Huw Hilditch-Roberts stated that his comments on the Corporate Plan and housing and the need to bring empty homes back into use had not been recorded. However, he noted that Councillor Joe Welch, as local member, had covered all of the other matters which he raised.
- Page 19 – Councillor Tony Thomas stated that the points he raised on the Mindale Farm application in favour of granting the application were not recorded in the minutes, which were therefore not a balanced reflection of the meeting.

RESOLVED that, subject to the above comments, the minutes of the meeting held on 4 September 2019 be approved as a correct record.

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEMS 5 - 13) -

Applications received requiring determination by the committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since publication of the agenda which related to particular applications. In order to accommodate public speaking requests it was agreed to vary the agenda order of applications accordingly.

5 APPLICATION NO. 11/2019/0472 - LAND AT TYN Y CELYN, CLOCAENOG

An application was submitted for the Erection of a manure storage building for use in connection with an existing poultry unit, formation of a new vehicular access to serve the building and associated works at Land at Tyn Y Celyn, Clocaenog, Ruthin.

Councillor Ann Davies requested that the application be deferred until further information was provided on how storage and disposal of manure was detailed within the report, and that the local ward member was present.

Proposal – Councillor Ann Davies proposed that the application be deferred, seconded by Councillor Emrys Wynne.

VOTE:

GRANT – 11
REFUSE – 1
ABSTAIN – 0

RESOLVED that the application be **DEFERRED**.

6 APPLICATION NO. 11/2019/1149 - BRON PARC, GALLTEGFA, RUTHIN

The application for the erection of a free range egg production unit including silos and associated works including access at Bron Parc, Galltegfa, Ruthin had been withdrawn by the applicant.

Local Members – praised the planning officers for their hard work with the application, thanks were also extended to the applicant who had withdrawn the application as they did not want to have an adverse impact on their neighbours.

RESOLVED that the withdrawal of the application by the applicant be noted.

7 APPLICATION NO. 43/2018/0750 - LAND AT MINDALE FARM, MELIDEN, PRESTATYN

The Head of Planning and Public Protection submitted the Mindale Farm, Meliden applications for reconsideration by the Committee. These applications included the erection of 133 dwellings and construction of a new road and had been refused by the Committee on the 4th September 2019.

Councillor Merfyn Parry requested that both application number 43/2018/0750 and 43/2018/0751 be deferred as a clear understanding of the cost and risk implications to the Council would be required by the Planning Committee. It was also requested that a detailed flood risk report be produced for both applications. Lastly it was requested that both applications be brought back as one application as having two applications was confusing and the proposed, extensive new road plans sat outside of the LDP development area.

Councillor Tony Thomas informed the committee that there were two applications because the original application was brought to the committee in April 2017 and was then considered by the Planning Inspectorate. The process allowed the applicant to submit a revised application without having to pay the significant planning application fees for a second time. However, if the application to construct the new road was included then the single application would incur the full planning application fees for a new application. Councillor Thomas confirmed that although he was the lead Cabinet member, the decision to refer the applications back was not taken by him.

The Committee's legal adviser (Team Leader – Places Team) advised that the decision to bring the application back lay with the Head of Planning and Public Protection in consultation with the Monitoring Officer and was made because the grounds of refusal given by the Committee on both applications gave rise to a significant risk of costs being awarded against the Council should an appeal or legal challenge be made.

Proposed - Councillor Merfyn Parry proposed the application be deferred, to allow members of the planning committee to have a clear understanding of the risks and costs of refusing the development and for a flood risk report to be produced. Councillor Mark Young seconded the proposal.

VOTE:
GRANT – 13
REFUSE – 1
ABSTAIN – 0

RESOLVED that the application be **DEFERRED**.

8 APPLICATION NO. 43/2018/0751 - LAND SOUTH WEST OF FFORDD TY NEWYDD OFF FFORDD TALARGOCH (A547), MELIDEN, PRESTATYN

The Head of Planning and Public Protection submitted the Mindale Farm, Meliden applications for reconsideration by the Committee. These applications had been refused by the Committee on the 4th September 2019.

The Committee had discussed whether to jointly defer applications 43/2018/0750 and 43/2018/0751. The discussion, proposal and vote for both these applications have been recorded above, under the minutes for application number 43/2018/0750.

RESOLVED that the application be ***DEFERRED***.

9 APPLICATION NO.43/2019/0359 - WOODLEA, BISHOPSWOOD ROAD, PRESTATYN

An application was submitted for the erection of extensions and alterations to dwelling at Woodlea, Bishopswood Road, Prestatyn.

Public Speakers –

Mr Tony Connor (**Against**) – reminded the Committee that an identical application was refused by the planning committee on the 18 January 2019. He reported that the proposed development would have a detrimental effect on neighbouring houses, it would also cause loss of privacy due to the size, scale and siting of the development. The residential development SPG (supplementary planning guidance) stated that where a proposed window faced a neighbouring property it was required to be 21 meters away from other buildings. However the proposed development would only be 18.9 meters away. The elevation of the building would exacerbate the impact of the close proximity and the proposed hedge would not mitigate the extent of overlooking and loss of privacy which would be caused. The maintenance and the monitoring arrangements for the hedge caused concern.

Mr Ray Williams (**For**) – thanked the committee for the opportunity to speak. The applicants had clarified that they had complied with the recommendations from the town council in respect of screening. The screening option proposed was a hedge rather than a fence. Western Red Cedar would be used which was quick growing and would be maintained at 2.5 meters which mitigated concerns over overlooking / loss of privacy.

General Debate –

Councillor Tina Jones (Local Member) spoke of the potential dangers associated with retaining walls similar to the one at Woodlea citing a tragedy a tragedy at another location twelve years ago when a supporting wall had collapsed and killed a young girl. Councillor Jones reported her concerns about the present poor condition of the retaining wall and the damage to it that could be caused by the building works and root invasion from the new hedge that was planted on the border with a neighbouring property. That property lay below Woodlea. Councillor Jones had

discussed these concerns with planning officers and had been informed that they were building regulations not planning issues. However, she felt that the condition and safety of the retaining wall should be addressed before planning permission was granted and queried how future monitoring and maintenance of the hedge would be undertaken.

Councillor Hugh Irving (Local Member) commented as a local member who had visited the application site and a neighbouring property and had received seven objections to the proposed development on various grounds including loss of privacy and the effect on the stability of the retaining wall holding up the bank between properties. He had been informed that issues regarding the retaining wall was a building regulations matter and that any problems arising would be a civil matter between the parties but Councillor Irving felt that the Council adopting this position was unsatisfactory. He queried whether the application had been sufficiently revised to overcome the reasons for the previous refusal of planning permission.

The Development Manager (DM) outlined how this area of Prestatyn was characterised by properties on varying levels and extensions to properties in this area raising issues of overlooking, stability of ground, drainage etc., all of which planning officers did consider. The retaining wall was located within the ownership of the neighbouring property which therefore meant that responsibility for its maintenance also lay there. He reported that if the neighbour on the higher ground (the application site) only wanted to plant trees or a hedge etc on the boundary it would not require planning permission to do so, and any problems arising would therefore be a civil matter.

The DM advised that officers felt that the application did not have an unreasonable impact on the neighbours' amenities given the distances involved, the topography of the area and the screening proposed. The planning conditions proposed (including those on the supplementary blue sheet), including on ground conditions and stability, would be appropriate and could be used to enforce compliance.

Members discussed whether a wall or fence would be better as a screen rather than a hedge as it would be difficult to maintain from the lower property and raised problems of compliance with height restrictions. The DM advised that the committee had to focus on the application as submitted but gave details of how enforcement action could be taken to compel compliance with planning conditions.

Proposal – Councillor Tina Jones proposed that the application be refused, unless a complete structural review of the retaining wall was carried out, seconded by Councillor Ann Davies.

The officers responded that the retaining wall was not on the applicant's land and the role of planning did not include getting involved in civil matters. Planning could control the ground conditions on the applicant's side of the wall, which was one of the proposed conditions.

Councillor Huw Hilditch-Roberts highlighted that the wall could be an issue regardless of the proposed development. Councillor Rhys Thomas commented that

he believed that the concerns of the committee were all addressed within the conditions which had been presented by the planning officers.

Proposal - Councillor Alan James proposed the officer recommendation to grant the application, seconded by Councillor Merfyn Parry.

Councillor Andrew Thomas suggested that a condition be included for the screening structure to be maintenance free, ideally for about 20 years. The committee voted on whether to include the condition requested by Councillor Andrew Thomas.

VOTE:

GRANT – 4

REFUSE – 9

ABSTAIN – 1

The additional proposed condition in respect of the screening structure was therefore not carried. The Chair therefore returned to the issue of whether to grant the planning application in accordance with the officers' recommendation or to refuse the application.

VOTE:

GRANT – 9

REFUSE – 4

ABSTAIN – 1

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

10 APPLICATION NO. 43/2019/0555 - 15 PENDRE AVENUE, PRESTATYN

A retrospective application was submitted for the erection of single storey rear extension at 15 Pendre Avenue Prestatyn.

Public Speaker –

Mr Steve Connor (**AGAINST**) stated that he represented himself and neighbours of 3 adjoining properties. It was clarified the opposition was to the development and not the applicant of the development. An application was submitted previously which was too large and impinged on privacy and had been rejected. However, neighbours were surprised in February this year when building work was underway and they felt that the Planning Committee reports on the development contained a range of inaccuracies so members were asked to read the objectors' submission outlining why they thought the development breached planning rules and guidelines.

General Debate –

Councillor Julian Thompson-Hill (Local Member) stated that normally the committee decried retrospective applications, however this retrospective application allowed the site visit to see the impact the development has on neighbouring properties. The geography of Prestatyn meant that overlooking caused by new developments was common and a smaller development could have been carried out without planning

permission. However, he highlighted that the development would have an increased negative impact on neighbouring visual amenities. The additional conditions which were included in the late representations sheet following the site visit were welcomed, and if the application was approved it would mitigate some of the negative impact of the development.

Officers reminded members of Permitted Development rights which would allow for a slightly smaller development. Multiple similar developments have been created across the County under Permitted Development. The development would have an impact as it was a new building in close proximity to the neighbours' boundary, however this was not a reason for refusal. Officers had assessed the development holistically for the general impact and with regard to the permitted development rights available, and with the additional conditions they recommended approval of the application.

Concerns were raised by members about whether granting an application on the grounds that it was only slightly different to one built under permitted development rights could set a precedent.

Proposal – Councillor Julian Thompson-Hill proposed the application be refused contrary to officer recommendation, on the grounds of an unacceptable impact on neighbouring amenities, seconded by Councillor Brian Jones.

Proposal – Councillor Alan James proposed the officer recommendation to grant the application, seconded by Councillor Merfyn Parry.

VOTE:

GRANT – 10

REFUSE – 4

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

11 APPLICATION NO. 02/2019/0680 - PENNANT, BRYN GOODMAN, RUTHIN

An application was submitted for the Erection of 2 No. dwellings, 2 detached garages, construction of a new vehicular access and associated works at Land at (Part garden of) Pennant, Bryn Goodman, Ruthin.

General Debate – Councillor Emrys Wynne (Local Member) reminded members of the outline planning permission which was approved earlier in the year. Although there were changes to the application, there was not a large impact anticipated on the neighbours of the proposed development. He asked that the developers keep the concerns of residents in mind, if the development was granted. It was clarified that there were objections to the proposed development from local residents and that the proposed two story development would have an adverse effect on the views in the area. He did not see the proposal to erect two properties as over-developing the site.

Councillor Wynne proposed that if the application was granted obscure glazing be included on the balconies. The local bowling club did not have any objections to the development, however they requested that the fence between the bowling green and development be kept throughout the development and afterwards and asked for clarification on draining issues.

Councillor Bobby Feeley (Local Member) endorsed the proposals as being suitable for the site.

Officers confirmed the drainage queries had been resolved and officers had assessed the issues relating to the balconies and boundary treatment.

Councillor Huw Hilditch-Roberts (Local Member) highlighted that he had not received any objections to the development. He commented that Ruthin did require additional housing, and the development of properties of this size would allow large families the opportunity to move to appropriately sized houses.

PROPOSAL - Councillor Emrys Wynne proposed the officer recommendation with the inclusion of conditions for obscure glazing on the balcony and the details of the fencing to the boundary line with the bowling club to be agreed, seconded by Councillor Mark Young.

VOTE:

GRANT – 14

REFUSE – 0

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with the amended conditions approved by the committee and officer recommendations as detailed within the report.

12 APPLICATION NO. 43/2019/0697 - 27 PLAS AVENUE, PRESTATYN

An application was submitted for the erection of an extension and alterations to a dwelling at 27 Plas Avenue, Prestatyn.

Officers requested that the application be deferred as per the details included in the blue sheet.

Proposal – Councillor Julian Thompson Hill proposed the deferral, seconded by Councillor Mark Young.

VOTE:

GRANT – 12

REFUSE – 0

ABSTAIN – 0

RESOLVED that the applications be **DEFERRED** in accordance with officer recommendation.

13 APPLICATION NO. 45/2019/0181 - 17/19 WESTBOURNE AVENUE, RHYL

An application was submitted for the Refurbishment and conversion of two derelict houses to form four 1 bed apartments on the first floor (to provide supported accommodation for the homeless) with ground floor offices at 17/19 Westbourne Avenue Rhyl.

General Debate –

The Chair informed members that additional information was available in the late representations sheet.

Councillor Joan Butterfield (Local Member) reported that as ward member she had been requested by local residents to speak against the application. The residents had held a public meeting to discuss their concerns. The proposed property was highlighted as having potential as family homes. The conversion of other houses in the area to flats had resulted in parking problems and highlighted that two of the flats were too small. Councillor Butterfield voiced concerns relating to problems the area was addressing which would not be helped by having more houses in multiple occupation.

Councillor Alan James (Local Member) agreed with points raised by Councillor Butterfield. There had been several meetings with the local residents and Councillor James stated that he was surprised that the housing association had not attended the planning committee to represent themselves.

Councillor Tony Thomas stated that the houses had been derelict for a number of years, and the possibility of a private development on the site was not likely. The applicant Adullam Housing Association had been commissioned by the Council to assist with homelessness within Denbighshire along with other services. Councillor Butterfield responded that the properties would be suitable for the local authority to bring back into use as permanent residential accommodation.

Proposal – Councillor Mark Young proposed the officer recommendation to grant the application, seconded by Councillor Tony Thomas.

If the committee were to grant the application Councillor Joan Butterfield requested conditions be applied:

- Parking to the rear of the property should be used by the staff and not on the streets in front of the property.
- That the flats be used to fulfil the needs of Rhyl residents.
- The bin provisions be located at the rear of the property, rather than the side of the property.
- Support systems to be available at all times 24/7 for the residents, and if a need was not required then the provision could be revisited within 6 months.
- The company host a quarterly meeting after 6 months to discuss any issues that the residents would have.

The Development Control Manger outlined options for regulating management arrangements either through conditions on a planning permission or through the

Council's commissioning arrangements for places at the property. He agreed that the storage of bins could be conditioned for the rear of the premises.

VOTE:

GRANT – 12

REFUSE – 2

ABSTAIN – 0

RESOLVED that permission be **GRANTED** in accordance with officer recommendations as detailed within the report.

14 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN 2006 - 2021: DRAFT ANNUAL MONITORING REPORT 2019

The Planning Officer introduced the Denbighshire Local Development Plan 2006 - 2021: Draft Annual Monitoring Report 2019

The Council was duty bound to produce an Annual Monitoring Report (AMR) for the adopted Denbighshire Local Development Plan (LDP) 2006 – 2021

The report highlighted the progress with implementing the Local Development Plan, which highlighted any challenges within the LDP. Three areas were noted as a concern:

- the LDP Growth Strategy – delivery of affordable housing
- addressing the needs of gypsies and travellers
- Waste Management and Minerals

RESOLVED – that the planning committee note the content of the Draft Annual Monitoring report.

15 WELSH GOVERNMENT: NATIONAL DEVELOPMENT FRAMEWORK 2020 - 2040; CONSULTATION DRAFT

The Chair informed members that the Welsh Government: National Development Framework 2020 - 2040; Consultation Draft, would be discussed in Council on the 15 October. However, the Strategic Planning Group (SPG) thought it would be beneficial for the Planning Committee to discuss the matter too.

Members highlighted:

- the vagueness of the regional growth areas on the spatial strategy map that had been attached as appendix 2 to the report
- the potential impact on Denbighshire of the National Development Framework (NDF) in respect of the county being used to support development elsewhere,
- the current uncertainty about the NDF's impact on future planning decisions.

RESOLVED – that the Planning Committee note the content of the consultation draft.

16 INFORMATION REPORT - PLANNING APPEALS UPDATE

An information report was submitted outlining the recent planning appeal decisions received from the Planning Inspectorate on cases within the county for the period March 2019 to date. An addendum to the report had also been circulated at the meeting which contained a summary of six appeal decisions received following completion of the main report. Full versions of the Planning Inspectors' decisions on the appeals could be viewed via the Denbighshire website.

RESOLVED *that the information report be received.*

The meeting included at 11:55 a.m.